

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Chris P. Bauer,

Case No. 1:10-cv-516

Plaintiff,

v.

Judge Michael R. Barrett

Commissioner of Social Security

Defendant.

**ORDER**

This matter is before the Court on the Report and Recommendation (“Report”) filed by Magistrate Judge Stephanie K. Bowman on July 14, 2011 (Doc. 23). The Report recommends that the Commissioner’s decision to deny Plaintiff SSI benefits be reversed and that this matter be remanded under sentence four of 42 U.S.C. § 405(g).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report in a timely manner. See *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).<sup>1</sup> No objections have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, this Court finds the Report to be correct. Accordingly, it is **ORDERED** that the Report is hereby **ADOPTED**. As the Report recommends (Doc. 23, 20), the following actions are taken:

1. The decision of the Commissioner to deny Plaintiff SSI benefits is **REVERSED** and this matter is **REMANDED** under sentence four of 42 U.S.C. §405(g);

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<sup>1</sup> A notice was attached to the Report regarding objections. (Doc. 23, 21.)

2. On remand, the ALJ be instructed to: (1) remedy the errors identified in the Report concerning the weight to be given to the opinions of Plaintiff's treating physician (Dr. Caudell), consulting physicians (Drs. Sheridan and Bailey), and the non-examining medical expert (Dr. Watson); (2) reconsider whether and the extent to which a negative inference should be drawn against a disability finding, based on Plaintiff's lack of consistent treatment; and (3) review whether and to what extent an award of benefits must be modified by 42 U.S.C. §403(x).

3. As no further matters remain pending for the Court's review, this case is  
**CLOSED.**

**IT IS SO ORDERED.**

s/Michael R. Barrett  
UNITED STATES DISTRICT JUDGE